

Remarks/Arguments

Claims 1-20 are pending. Claims 17-20 have been amended to more fully claim the subject matter that applicants regard as their invention. No new matter is believed to be added by the present claims.

Regarding the objections to claims 1, 9, 10 and 12, claims 1, 10 and 12 have been amended to recite "A method" and claim 9 has been amended to recite "A presentation device."

Rejection of claims 9 and 11 under 35 USC 102(b) as being anticipated by Bando (US Pat No 5774548)

Applicants submit that for the reasons discussed below amended claims 9 and 11 are not anticipated under 35 USC 102(b) by Bando.

The present invention relates to a system for managing access to protected programs within a local network, for example, a digital home network 9 (see for example, page 5, lines 19-21; page 6, lines 23-26). In that regard, claim 9 has been amended to recite:

... (a) means for receiving, from a first device coupled to the presentation device via a local network, said scrambled program comprising a scrambled data component and a **rebundled descrambling key encrypted using a key associated with the local network** ... (emphasis added)

Applicants submit that Bando fails to disclose or suggest at least the above-emphasized limitation of amended claim 9.

The Office Action cites col. 1, lines 33-51 of Bando as disclosing limitation (a) of previous claim 9. Applicants submit that the cited portion of Bando fails to disclose or suggest "... a rebundled descrambling key encrypted using a key associated with the local network."

Bando relates to a digital broadcast and receiving system that enables the service provider to insert control information in the transmitted signal that controls whether a switch in the receiver outputs a scrambled digital signal or a descrambled digital signal (col. 2, lines 29-67). The portion of Bando cited by the Office Action generally describes the process by which the broadcaster generates the transmitted signal, including the ECM and the EMM, and the process by which

the receiver decrypts the received signal. In that regard, the scramble key (Ks) and work key (Kw) are not associated with a local network, and nowhere does Bando disclose or suggest that the broadcaster and the receiver are associated with a local network. Since Bando fails to disclose all of the limitations of amended claim 9, applicants submit that amended claim 9, and claim 11, which depends therefrom, are not anticipated by Bando.

Rejection of claims 1-8, 10 and 12 under 35 USC 103(a) as being unpatentable over Bando in view of Tsuria (US Pat No 6178242)

Applicants submit that for the reasons discussed below present claims 1-8, 10 and 12 are patentably distinguishable over the teachings of the Bando in view of Tsuria.

The teachings of Bando have been discussed hereinabove. The office action acknowledges that Bando fails to teach or suggest re-encrypting the descrambling key in the access device using a public key associated with the access device. Tsuria is cited to provide the missing element, along with elements (d) - (f).

At the outset, applicants note that Tsuria corresponds to EP 0858184A2, which was cited and discussed during the PCT phase of this application. In that regard, applicants submit that Tsuria fails to teach or suggest elements (c) - (f) for the same reasons discussed previously. That is, Tsuria teaches that the steps of receiving the descrambling key, decrypting the descrambling key, re-encrypting the descrambling key, decrypting the re-encrypted descrambling key and descrambling the scrambled data using the descrambling key is performed within a single device (IRD 110).

By contrast, claim 10 recites "... decrypting, in said **access device**, ... re-encrypting said descrambling key, in said **access device**, ... receiving, in said **presentation device**, said scrambled data component and said re-encrypted descrambling key ... decrypting, in said **presentation device**, ... descrambling, in said **presentation device** ..." (emphasis added) That is, an access device performs the steps associated with conversion (such as ECM to LECM conversion) while a presentation device performs the steps associated with content descrambling. This enables management of protected content by requiring the decryption and descrambling take place in the presentation device, whereby clear

content is not transmitted between the access device and the presentation device (page 13, lines 4-5, lines 22-24; page 12, lines 27-30).

However, in the arrangement of Tsuria, clear content ("CLEAR SIGNAL") is transmitted between IRD 110 and television 100 (see fig. 1). Nowhere does Tsuria teach or suggest the steps being performed by one of an access device and a presentation device as recited in claim 10. Tsuria is primarily concerned with ensuring that an IRD is able to decode scrambled data that has been stored on a recording device even after the descrambling keys have been changed by the television system operator (col. 2, lines 26-39). Tsuria overcomes the problem by providing an IRD that generates a TECM for use in descrambling the program at a later time. As such, Tsuria is concerned with a different problem than that addressed by the present invention, and fails to teach or suggest the above-mentioned limitations of claim 10. Since Tsuria and Bando fail to teach or suggest all of the limitations of claim 10, applicants submit that claim 10 is patentably distinguishable over the suggested combination.

Claims 1 and 12 recite limitations similar to those of claim 10 regarding steps performed by an access device and a presentation device. Thus, applicants submit that claims 1 and 12, and the claims that depend therefrom, are also patentably distinguishable over Bando and Tsuria for at least the same reasons as those discussed above.

New claim 17 is directed to an access device in the local area network and recites "... a signal output coupled to a digital bus for transmitting the scrambled data component and the re-encrypted descrambling key to a presentation device via the digital bus, wherein **only a presentation device having a corresponding private key is able to decrypt the re-encrypted descrambling key and descramble the scrambled content.**" New claim 17 is believed to be patentable over Bando and Tsuria for at least the same reasons as those discussed above.

Rejection of claims 15 and 16 under 35 USC 103(a) as being unpatentable over Bando in view of Kimura (US Pat No 6674858)

Claim 15 recites "... receiving in said security device the scrambled program containing scrambled content information and a descrambling key; **descrambling the scrambled content in the security device using the descrambling key ...**"

(emphasis added). Applicants submit that neither Bando nor Kimura teach or suggest at least the above-emphasized limitation of claim 15.

The Office Action cites col. 1, lines 33-40 of Bando as teaching the above mentioned limitation of claim 15. Applicants respectfully disagree. The cited portions of Bando merely teaches transmitting a scrambled transport stream, which is scrambled by scrambler 205, and an ECM and an EMM for enabling a receiver to decoding the encrypted information. Nothing in the cited portion teaches or suggest the above-cited limitation of claim 15.

Kimura is cited as teaching a security device that generates another scrambling key and re-scrambling the content using the another scrambling key. However, even if the alleged teachings of Kimura are combined with Bando, the suggested combination still fails to cure the defect of Bando as applied to the above-mentioned limitation of claim 15. In view of the above, applicants submit that the suggested combination fails to teach or suggest all of the limitations of claim 15, and as such, claim 15 and claim 16 which depends therefrom, are patentably distinguishable over Bando and Kimura.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,
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Date: August 23, 2005

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